

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JIMMY KINSLOW,

Plaintiff,

v.

CV 05-1324 JH/WPL

JOE WILLIAMS, ET AL.,

Defendants.

**ORDER ADOPTING MAGISTRATE JUDGE'S PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

On May 25, 2007, the magistrate judge filed his Proposed Findings and Recommended Disposition (PFRD) in this matter. (Doc. 122.) The parties were notified that objections were due within ten days of service of the PFRD and that if no objections were filed, no appellate review would be allowed. On June 8, 2007, Plaintiff filed timely objections. (Doc. 123.) To this date, Defendants have not filed any objections.

Among other things, the magistrate judge recommended that summary judgment be granted in favor of the NMCD Defendants on several of Plaintiff's claims. In his objections, Plaintiff asserts that the magistrate judge did not properly apply summary judgment procedure and that summary judgment is inappropriate because the record is incomplete and because there are genuine issues of material fact regarding his claims. Having conducted a *de novo* review, I find these objections to be without merit.

IT IS THEREFORE ORDERED that:

1) the Magistrate Judge's Proposed Findings and Recommended Disposition (Doc. 122) are adopted as an order of the Court;

2) all of Kinslow's claims for retroactive monetary relief against the NMCD Defendants in

their official capacities are dismissed with prejudice;

- 3) Kinslow's motion for partial summary judgment (Doc. 101) is denied;
- 4) the NMCD Defendants' motion to dismiss or for summary judgment (included within the *Martinez* report) is denied;
- 5) Kinslow's motions to compel (Docs. 109, 114) are denied; and
- 6) summary judgment is granted in favor of the NMCD Defendants on the federal claims asserted in the first, second, third, fourth, and sixth counts of Kinslow's complaint and on the fifth count to the extent it raises a claim of lack of due process in the initial classification decision.


JUDITH C. HERRERA
UNITED STATES DISTRICT JUDGE